

IN SENATE OF THE UNITED STATES.

APRIL 7, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT submitted the following

REPORT:

[To accompany bill H. R. No. 162.]

The Committee of Claims, to whom was referred the bill (H. R. 162) for the relief of Charles Waldron, report:

That the claim of the petitioner is for \$198 50 for corn, beef, and bacon, sold to a quartermaster named Kendrick, in the service of the United States in the year 1835, for the use of troops in the service of the United States. It has been rejected by the accounting officers. There is no dispute as to the fairness, justice, or reasonableness of the account, as it respects the petitioner, or as to the vouchers therefor being in due form and correct. But the objection to its payment, made by the accounting officers, is, that the quartermaster has not tendered his accounts with the government for the disbursement or distribution of the supplies he purchased, and that "*there is no evidence of the manner in which these stores were expended.*" It is suggested that the subsistence furnished to the regiment, of which the officer who purchased these supplies for the United States was quartermaster, already paid for by the United States, exceeds the amount allowed by law; and that the vendor of the supplies must not only show the sale and delivery, and the reasonableness of the price charged, but must go farther, and prove that the proper application was made of these stores by the quartermaster to whom they were delivered, and to the proper corps and in legal quantities, and also that the corps had not obtained otherwise more than its legal allowances, and that this proof must be shown by the quartermaster's accounts. This principle, it is stated, is an established and inflexible rule of the department. This committee regard such rule as hostile to the interests of the government with reference to the procurement of supplies on fair terms, and preposterous as it regards the citizen who furnished an United States officer, authorized to purchase for the use of the United States. Such vendor is not to look beyond the sale to the officer. If it is

fair, and the officer has authority to purchase, he is entitled to the price agreed on by the officer. The committee of the House of Representatives which reported this bill, denounce the alleged departmental rule as "*not reputable to the government.*" This committee agree with the House committee in regarding it as unjust and impolitic, and if not altered by the action of the departments, there should be a general law enacted repudiating it. But it is not to be doubted that its emphatic reprehension by Congress will cause its abrogation without such express legislation, which should be avoided if possible. It may be necessary to invoke some similar rules in extraordinary cases, where there is some ground for suspicion of collusion between a dishonest officer and a vendor of supplies. There is no suspicion of *this* being such a case. In ordinary cases the citizen who furnishes supplies has no control over the officer who purchases or who receives them. He cannot coerce him to send on his accounts. He has no power over his expenditures of the supplies. He cannot know whether the corps has received more or less than its legal allowances. He has had nothing to do with the selection or appointment of the quartermaster, and can have little to do with his displacement; and yet, by the rule referred to, he is made to become the guarantor and surety, to the amount of the supplies he sells an officer, *for the faithful fulfilment by such officer of all his duties!* Will any prudent citizen furnish supplies to a quartermaster upon those terms, at reasonable prices, if at all? Will not the public interests be injured in the difficulties such rules will create, as to the procurement of supplies, and in the enhanced price of the supplies? Will there not be greater danger of such rule inducing to collusion and fraud between the officer and vender, than if they did not exist? Besides, it by no means follows that because more supplies were purchased for a regiment by a quartermaster, than the law allows to be furnished it, that they were wasted by the quartermaster, or were illegally issued. Cannot it be imagined that they may have been captured by the enemy, destroyed by flood, fire, or other casualty, or become spoiled and condemned, while in the hands of the quartermaster? Surely the vendor does not become *insurer* against such risks, when he sells to a quartermaster on a credit. Yet the effect of such rules is to make him such insurer!

The committee unanimously agree to report the House bill without amendment, and recommend that it do pass.